

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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GEORGE P. FISHER,	)	
	)	
Charging Party,	)	Cause No. 0049010567
	)	
vs.	)	<b>ORDER AFFIRMING</b>
	)	<b>NOTICE OF DISMISSAL</b>
	)	
WAL-MART,	)	
	)	
Respondent.	)	

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On December 26, 2003, the Human Rights Bureau issued a Final Investigative Report and corresponding Notice of Dismissal and Notice of Right to Sue in the above-captioned matter. Charging Party (George P. Fisher) filed an objection with the Montana Human Rights Commission (Commission). Oral argument was not requested. The Commission considered the matter on March 25, 2004.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined that a preponderance of the evidence did not support George P. Fisher's assertion that he had been subject to unwelcome sexual comments and that his employer (Wal-Mart) had then retaliated against him after he complained of this harassment.

On appeal to the Commission, George P. Fisher disagreed with the findings of the investigator. In his brief to the Commission, Fisher argued his employer had failed to follow procedure in terminating him, that Wal-Mart has a history of being dishonest and lying, that he had been offered the chance to return to his position, and finally, that the environment as Wal-Mart was sufficiently "severe" to alter his work conditions. In response, Wal-Mart contended the evidence in the record supports its assertion that Fisher was not subject to a sexually hostile work-environment. Further, Wal-Mart argued there was no retaliation in this matter since Fisher did not complain of any such discrimination prior to his termination.

After careful and due consideration, the Commission concludes the findings of the Human Rights Bureau are supported by the record and, therefore, there was no abuse of discretion in the issuance of a Notice of Dismissal. *Admin. R. Mont. 24.9.1714(3)*

Charging Party will have 90 days after the receipt of this order to petition a district court in the district where the alleged violation occurred for the appropriate relief. *Mont. Code Ann.*

§ 49-2-509(5) and Admin. R. Mont. 24.9.1714(5) If Charging Party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Charging Party's objection is overruled and the Human Rights Bureau's notice of dismissal is affirmed.

Dated this \_\_\_\_\_ day of March, 2004.

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Mr. Gary Hindoien, Chair  
Montana Human Rights Commission

## **CERTIFICATE OF SERVICE**

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on March \_\_\_\_ 2004.

GEORGE FISHER  
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HELENA MT 59601

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Montana Human Rights Bureau